

**Thursday, 11 April 2024**

**Committee Secretary  
Cost of Living and Economics Committee  
Parliament House  
George Street  
Brisbane Qld 4000  
Via email: [colec@parliament.qld.gov.au](mailto:colec@parliament.qld.gov.au)**

## **ECONOMIC DEVELOPMENT AND OTHER LEGISLATION AMENDMENT BILL 2024**

Dear Committee Secretary

The Australian Institute of Architects Queensland Chapter (the Institute) welcomes the opportunity to respond to the ***Economic Development And Other Legislation Amendment Bill 2024*** (the Bill). The Institute broadly supports the Bill's intent and the need to provide a single authority with the power to make housing happen. There is an urgent need to address the housing shortage, and the Bill and other Government policies on housing are a positive step in this direction.

The Institute believes that design is the key to unlocking housing that is both affordable and somewhere people want to live. If we are to address the need for more densified living, the solutions need to be inviting, able to cope with our more extreme weather, and focused on the long-term health and benefit of the residents. Medium- and high-density housing to date has often not met these standards, and thus, many are reluctant to consider anything other than low-density housing. We would like to see the government use the powers provided under the Bill to ensure the new social and affordable housing delivered is of a high quality and act as a benchmark for others.

The Institute has some concerns about whether there are sufficient safeguards in relation to the power to compel the purchase of land from the potential for abuse and believes simple changes could address our concerns.

The Institute, therefore, seeks to work with the government (and other stakeholders) to develop appropriate design requirements to maximise the impact of the Governments important housing policies. We ask that the Government meet with the Institute and other design professionals to ensure this happens.

### **Design Led Approach**

We are pleased to see the Bill make reference to the need to ensure developments are placed with their environment and the consideration of diverse land use zoning. This can promote the

sustainable establishment of shops and recreational areas, thus promoting walkability. Uses such as cafes, alfresco dining, shops and parklets provide pauses along pedestrian journeys and activate streetscapes.

The Institute is keen, with other design professionals, to work with the government in bringing these ideas into a more concrete form through design recommendations or other tools

*Need for clear direction on quality outcomes*

For higher-density living, the distances between apartment buildings impact residents' a sense of privacy and access to light. How a building presents itself to the street will help determine whether it has a positive impact on the neighbourhood. Does it contribute positively to the skyline? Can it include a perched landscape and a visible rooftop garden? Can it present an active face to the street? None of this needs to cost more. However, it does require the use of building design experts, such as architects, to make the most of a location, materials and design knowledge.

The following needed to be embedded in the decision-making of the MEDQ for approving any project:

- **well-designed** for long life,
- **have multiple housing types** to reflect the varied housing needs of society
- **low cost of occupancy** through Environmentally Sustainable Design (ESD) principles and materials and
- **enhanced well-being** by not only being in walkable neighbourhoods close to jobs but also to nature/open space and services.

It is also important to understand the relationship those in social housing have to their homes. It is not just a place to sleep. It is their home, their connection to the community, and a place of security that extends beyond any monetary value.

Therefore, when developing social housing policies, it is important to develop a mindset that is not the same as a standard for-profit development project. In the UK, the Royal Institute of British Architects (RIBA) has developed a Social Value Toolkit for Architecture that we believe could help set the foundation for a similar toolkit for Queensland social housing. It needs to set out how housing projects will integrate new residents within the existing community, provide access to jobs and amenities, and integrate with public transport nodes.

The Institute would also like to note that when we refer to a design-led approach, we are talking about making sure housing is liveable, that it will last 50 to 75 years, if not more, without the need for extensive rectification or refurbishment. We are talking about creating a home that is comfortable to live in without major cooling and heating costs. Other jurisdictions have shown that when quality design outcomes are not enforced, it can lead to buildings that require extensive rectification works and some that are not even habitable. We see owners, residents, and governments having to spend large amounts of money to fix what should never have occurred.

### *Sustainability as a core tenant*

Sustainability is one of the most important requirements in relation to any new build (as well as the need to upgrade existing social and affordable housing). Sustainability needs to be central and is not something that can be traded off against. While we appreciate that there is clear intent to put sustainability at the core of the new social and affordable housing, we believe that more could be done.

Large areas of green woodlands, agricultural areas, and open space are essential to the sustainability of cities, communities, and environmental management. They are important for human development and must be preserved for future generations.

For these reasons the Institute prefers locating housing developments within existing areas rather than greenfield sites. The MEDQ's focus should extend to increasing density and urban quality in established urban and suburban areas over the use of greenfield sites.

Where greenfield sites are selected, they should be done only if there are no other alternatives. Even then, efforts must be made to ensure sufficient green spaces are provided in these greenfield developments and that sustainability is a core development requirement.

Sustainability also means building for our changing environment and weather. It means understanding how rains, floods, and droughts impact urban environments and building that takes these into account to minimise impact. It means building housing that shields people from the extremes and does so in a way that minimises the use of active cooling and heating.

The understanding of sustainable development as a “balance between environmental and economic issues” does not align with the current state of our environment. Human, social, cultural, and quality of life issues are important and are dependent on the conservation, good management, and regeneration of “green” areas, as well as the biophysical (food, resources, species conservation) and qualitative benefits they provide.

As such, we would like to see:

- removal of subsection (b) from the proposed Section 4 of the Bill
- the MEDQ to develop with the Institute and other design professionals' strong ecological sustainability guidelines and requirements

### *Using the Queensland Urban Design and Places Panel (QUDPP)*

One of the most effective tools for ensuring design is appropriate is using Design Review Panels (DRP), which are made up of design experts such as architects, urban designers, landscape designers, and others. Their primary functions are to:

- provide independent expert design advice on applications
- assist in improving the design quality

The Queensland Urban Design and Places Panel (QUDPP) is an example of a DRP and should be used to undertake a review of social and/or affordable housing with a budget over \$1 million. QUDPP reviews are neither cumbersome nor time-consuming processes. In Victoria, the typical review lasts only 1.5 hours. Using a DRP, like the QUDPP can actually reduce a project's time and total cost by minimising the need for design amendments and subsequent rectification work.

The Institute applauds the integration of the Office of the Queensland Government Architect (OQGA) with the new legislation; however, we would like to see OQGA's collaboration formalised and its role increased.

#### *Using "Pattern Books"*

Another means of achieving quality outcomes more quickly is using preexisting designs (often referred to as "pattern books") for housing design. These designs will already comply with all regulations regarding quality and design requirements. They can be purchased at low cost and easily integrated into medium—and high-density projects.

Of course, pattern book designs are only as good as the design skills used. The Institute believes any pattern book designs approved should be by a design professional with the appropriate skills and experience. It is important that the design professional for the pattern receives appropriate accreditation and financial compensation for their work.

Furthermore, while we support the use of pattern book designs, it is also important to ensure that any project does not simply use one pattern for all units/household solutions. Demographics have changed; the nuclear family of mum, dad, and a few kids is not the only household in existence. In fact, there are a myriad of housing needs from retired couples and singles, single-parent families, couples with no kids, young people seeking shared living arrangements and people with disabilities or special physical needs. Therefore, where a project uses a pattern book, it should be a requirement that several different patterns are used to address the varied housing needs.

Finally, the use of a pattern book approach must still be oriented appropriately to maximise sunlight and ventilation. Therefore, it is essential that these projects be reviewed by a DRP or the OQGA to maximise the outcome.

#### *Design Expert on the Board of the MEDQ*

Good outcomes are not achieved by legislation alone, they require the best people and the best uses of resources. The Board of the MEDQ will be an important tool in ensuring the quality of the outcomes achieved. Given our comments above about the importance of design excellence as a key element in the work of the MEDQ, the Institute believes that when constituting the Board, it is important that design professionals, such as registered architects with appropriate experience, be included.

## **Compulsory Acquisition Constraints and Guidelines**

The Institute understands the need for the powers set out in the legislation to allow for the compulsory acquisition of land for the purposes of building social and affordable housing. There is a need to address the housing in an efficient and effective process and this may require the use of such powers.

However, we are concerned that there does not appear to be sufficient safeguards around using such powers and the outcomes that will be delivered from them. While concerns about the outcomes can be addressed through the adoption of a design-led approach recommended above, we believe there is a need to provide limits on how and when the powers are used.

Unfortunately, Queensland is not immune to abuse of power. Even with the best intentions, the lack of oversight and control can be misused, leading to suboptimal outcomes and public backlash. Land and housing are valuable; where such sums are involved, there will always be some who will seek to benefit improperly. As such, we recommend the following limitations be put in place:

- formalised guidelines on when and where the compulsory acquisition powers can be used
- review of such decisions by an integrity body
- a focus on follow through and checks and balances required to achieve the desired design outcome

## **Think Small not just Big**

The Institute appreciates the desire to “think big” and the attraction of large projects. While they do have their place, it is crucial that the government not relegate smaller development projects to the periphery, particularly in inner-city environs where large tracts of available land are scarce.

Small and medium-sized plots could be used to develop appropriate social and affordable housing solutions that are not just cost-effective but better integrate residents within their community. History has taught us that social and affordable housing is most effective where it is situated in an existing community that has a range of existing social and community amenities. It can also avoid the danger of creating closed-off communities that are socially disadvantaged.

One of the biggest stumbling blocks to integrating such housing in existing areas is the Not-In-My-BackYard (NIMBY) approach of residents. Often, residents have concerns about the impact such housing has on house values and that it will introduce unwelcome elements to the area. These concerns are nearly always non-existent in the real world, and once established, social and affordable housing residents become as valued as other residents. However, it can be difficult for Local Government Authorities to overcome the initial NIMBY backlash of ratepaying residents. This provides the perfect opportunity for the MEDQ to acquire the land and develop smaller integrated social housing as a priority.

Smaller projects can also be cheaper and quicker to build, allowing the State to achieve its housing targets more quickly.

## **88A Use of amounts paid in lieu of supply of social housing or affordable housing**

The Institute's view is that commitments to the provision of social and affordable housing should be made in the building of specific housing and not in the payment of an amount in lieu of that housing. Social and affordable housing is required now. Builders are receiving sufficient incentives to provide this housing. Merely paying a fee just passes the buck on to others to provide that housing.

Often, the payment of such a fee is a means by which developers can maximise their own profit by ensuring they only have to build high-value housing. While profit motive is essential for individual companies, it is not the rationale for government support for building social and affordable housing. As the government is aware, studies show that it is important for social and affordable housing to be provided co-existent with other types of housing. Social and affordable housing recipients should not be separated into an "other" group that is housed separately from the rest of society. Paying a fee and not building that housing as part of a broader development undermines this and undermines what the government is seeking to achieve.

Therefore, the Institute would like to remove any reference to the ability to push social and affordable housing off to others to develop it via payment of a fee.

An alternative would be to ensure that the payment is significantly greater than the cost of providing such housing. Thus, any fee to avoid building social and/or affordable housing should be set at twice the cost of building that housing in the first place.

Please see the attached schedule for the Institute's specific recommendations.

The Institute thanks you for taking the time to review our submission. We would welcome the opportunity to meet with the Minister to go through Australian and International examples of where governments have got social housing right, the lessons that should be learned and how a design-led approach can deliver on the government's ambitious housing targets in a way that creates housing that sets the benchmark for others to follow. We would also encourage the Minister to create a working group of design professionals such as architects, urban designers, landscape designers and engineers to help guide the housing delivery process.

Sincerely,

Dr. Anna Svendotter  
State Manager Queensland  
Australian Institute of Architects

Amy Degenhart  
Immediate Past Queensland Chapter President  
Australian Institute of Architects

## Schedule 1: List of recommendations

**Recommendation 1:** MEDQ should work with the design profession to develop appropriate design and quality standards to ensure projects are built for long-term residential well-being.

**Recommendation 2:** MEDQ should work with the design profession to develop a Social Value Toolkit for Queensland social housing developments.

**Recommendation 3:** MEDQ projects over \$1 million to be subject to an independent Design Review Panel.

**Recommendation 4:** Sustainability should be put at the heart of all developments in the MEDQ.

**Recommendation 5:** The definition of “Ecological Sustainability” in Subsection 4(1) removes the proposed paragraph (b) Economic Development.

**Recommendation 6:** The role of the OQGA is to be formalised and expanded to ensure quality, affordable outcomes.

**Recommendation 7:** The MEDQ encourage using architect-designed pattern books where appropriate.

**Recommendation 8:** When the government establishes the board of the MEDQ, consideration should be given to including a board member with architectural and design skills.

**Recommendation 9:** The legislation be amended to:

- require the MEDQ to develop formalised and publicly available guidelines on when and where the compulsory acquisition powers can be used;
- conflict of interest and strict reporting provisions be inserted;
- any decision to compulsorily acquire land to be reviewed by an integrity body; and
- significant penalties to deter abuse, improper dealings and unintended outcomes.

**Recommendation 10:** The government should identify small and medium-sized lots in existing inner-city neighbourhoods suitable for social and affordable housing and the MEDQ should incentivise the development of such sites.

**Recommendation 11:** The Bill removes any mention of the ability to pay a fee in lieu of the provision of social housing or affordable housing or that the fee be set at twice the costs of providing such housing.